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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,664	08/17/2001	Yuichiro Deguchi	SON5180.75A (50P4360)	4568
36813	7590	12/22/2005	EXAMINER	
O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.			LE, DEBBIE M	
400 CAPITOL MALL			ART UNIT	
SUITE 1550			PAPER NUMBER	
SACRAMENTO, CA 95814			2168	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/932,664

Applicant(s)

DEGUCHI, YUICHIRO

Examiner

DEBBIE M. LE

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/05 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman et al (US Patent Application No. 2002/0174431 A1).

As per claim 28, Bowman discloses a data marking search system, comprising:  
at least one server computer configured for communicating over a data network  
(Fig. 1, # 114A, #118, #120);

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at least one user database comprising user information and associated user playlists which are configured for access by said server (Fig. 1, # 122A);

said user playlists containing information about music clips which have been broadcast; wherein said music clip information is associated with corresponding data marks as received from a data marking device (parg. 0016, 0019);

at least one broadcast database configured for access by said server and for retaining broadcast playlists containing information about music clips which were broadcast by participating radio stations and which correspond to music clip data marks (parg. 0015, 0018, 0021);

wherein each said broadcast playlist contains information about the music clips which have been broadcast including clip name and the artist and/or album (parg. 0016, 0028);

network interface of said server configured for communicating with a plurality of user terminals each coupled to the data network to transmit a search request corresponding to a marked data, or information about the marked data (Fig. 1, # 114A, parg. 0017), wherein said marked data indicates a time and which represents content that is broadcasted at said time and wherein said search request is independent of a frequency corresponding to said content that is broadcasted (parg. 0019);

programming executable on said server computer for, accessing said user database in response to a search request received from said one or more of said plurality of user terminals (parg. 0025, 0026),

searching (as *search* for the song title, scan through broadcast programming playlists to *find* the interest song, program title, the user (listener) is free to *retrieve* the song title, any time by using the

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*user id code to access the database 122A*) (parg. 0004, 0006, 0026) user playlists within said user database in response to said search request and locating data marks or associated music clip information that fulfills the conditions of said search, and transmitting a result of said searching, including data marks or associated music clip information about previously broadcast material, to one said user terminal in response to said data searching operation (parg. 0026, parg. 0025, last 3 lines).

As per claim 6, Bowman teaches wherein said indication includes a drag and drop operation of an icon representative of said marked data displayed on said user terminal to an icon representative of said search request (parg. 0024).

As per claim 7, Bowman teaches wherein said icon representative of said marked data includes a hypertext link (parg. 0027).

As per claim 8, Bowman teaches wherein said icon representative of said search request includes one of a two-dimensional still image or a three dimensional still image, and a dynamic video image (parg. 0027).

Claims 18-21 have similar limitations a claims 6-8; therefore, they are rejected under the same subject matter.

Claims 1-5, 9-18, 22-27, 33-45 are rejected under the same rationale as claim 28 arguments.

As per claim 29, Bowman teaches wherein conditions of said search are based on music clip title, genre of music or on broadcast station (parg. 0025).

As per claim 30, Bowman teaches wherein said programming executable on said server is configured to display a search result on the user terminal based on said data searching operation (parg. 0025, last 3 lines).

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As per claim 31, Bowman teaches wherein said data searching of user playlists includes accessing a storage unit of another said plurality of user terminals and retrieving data corresponding to said marked data (parg. 0027)

As per claim 32, Bowman teaches wherein said data corresponding to said marked data retrieved from said storage units of said other user terminals includes information corresponding to broadcast music clips marked by the users of the respective other user terminals (parg. 0028).

### ***Conclusion***

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY GAFFIN can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Debbie M Le', with a stylized flourish at the end.

DEBBIE M LE  
Examiner  
Art Unit 2168

Debbie Le

Dec. 12, 2005.